

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

TAILORED BRANDS, INC., *et al.*,<sup>1</sup>

Debtors.

)  
) Chapter 11  
)  
) Case No. 20-33900 (MI)  
)  
) (Jointly Administered)  
) (Emergency Hearing Requested)

**DEBTORS' EMERGENCY MOTION FOR ENTRY  
OF AN ORDER (I) RESETTING THE CONFIRMATION HEARING  
AND (II) EXTENDING CERTAIN DEADLINES RELATED THERETO**

**Emergency relief has been requested.**

**If you object to the requested relief or you believe that emergency consideration is not warranted, you must file a written response prior to the below date by which relief is requested. Otherwise, the Court may treat the request as unopposed and grant the relief requested.**

**Relief is requested no later than November 6, 2020.**

1. The above-captioned debtors and debtors in possession (collectively, the "Debtors")<sup>2</sup> state as follows in support of this motion (this "Motion"):

**Background**

2. On the Petition Date, each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors' chapter 11 cases have been consolidated for procedural purposes only and are being jointly administered pursuant to Bankruptcy Rule 1015(b)

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<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <http://cases.primeclerk.com/TailoredBrands>. The location of the Debtors' service address in these chapter 11 cases is: 6100 Stevenson Boulevard, Fremont, California 94538.

<sup>2</sup> A detailed description of the Debtors and their business, and the facts and circumstances supporting the Debtors' chapter 11 cases, are set forth in greater detail in the *Declaration of Holly Etlin, Chief Restructuring Officer of Tailored Brands, Inc., in Support of Chapter 11 Petitions and First Day Motions* [Docket No. 20] (the "First Day Declaration"), filed contemporaneously with the Debtors' voluntary petitions for relief filed under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), on August 2, 2020 (the "Petition Date").

[Docket No. 41]. The Debtors are operating their business and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in these chapter 11 cases. On August 11, 2020, the United States Trustee for the Southern District of Texas appointed an official committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code [Docket No. 242] (the “Creditors Committee”).

3. On September 3, 2020, the Debtors filed the *Debtors’ Motion for Entry of an Order (A) Approving the Disclosure Statement, (B) Establishing the Voting Record Date, Voting Deadlines, and Other Dates, (C) Approving Procedures for Soliciting, Receiving, and Tabulating Votes on the Plan, and (D) Approving the Manner and Forms of Notice and Other Related Documents* [Docket No. 524] (the “Disclosure Statement Motion”).<sup>3</sup>

4. On October 9, 2020, the Court entered an order approving the Disclosure Statement Motion [Docket No. 843, re-entered at Docket No. 857 for noticing purposes] (the “Disclosure Statement Order”), establishing certain dates with respect to the solicitation of votes to accept or reject the Plan, voting on the Plan, and confirming the Plan.

### **Relief Requested**

5. The Debtors seek entry of an order, substantially in the form attached hereto (the “Order”), resetting the Confirmation Hearing Date and extending certain of the deadlines originally established in the Disclosure Statement Order as follows:

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<sup>3</sup> Capitalized terms used but not defined herein have the meaning given to such terms in the Disclosure Statement Motion.

Event	Current Deadline/Time (Prevailing Central Time)	New Deadline/Time (Prevailing Central Time)
Deadline to File the Confirmation Brief	November 9, 2020	November 11, 2020 at 11:00 a.m., prevailing Central Time
Confirmation Hearing Date	November 10, 2020, at 1:30 p.m., prevailing Central Time	November 12, 2020, at [●], prevailing Central Time and continue on November 13, 2020, at [●], prevailing Central Time

6. For the avoidance of doubt, the witness and exhibit lists for the Confirmation Hearing shall be filed on November 9, 2020, at 12:00 p.m., prevailing Central Time.

7. *This Motion is supported by the Debtors, the ABL Lenders, the Term Loan Lenders (both as defined in the Plan), and the Creditors Committee. The Debtors are not aware of any objections to this Motion.*

#### **Jurisdiction and Venue**

8. The United States Bankruptcy Court for the Southern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). The Debtors confirm their consent, pursuant to rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the entry of a final order.

9. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

10. The bases for the relief requested herein are section 105 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Bankruptcy Rule 9006, and rules 2002-1 and 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “Bankruptcy Local Rules”).

**Basis for Relief**

11. Section 105(a) of the Bankruptcy Code authorizes a court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”

11 U.S.C. § 105(a). Bankruptcy Rule 9006(b) authorizes courts to extend deadlines that were scheduled by a previous court order, and states, in pertinent part, that:

when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.

Bankruptcy Rule 9006(b).

12. The Court has ample authority to modify the dates as requested herein. The Disclosure Statement Order provides that the dates established therein are “subject to modification as necessary or further order of the Court.” Disclosure Statement Order ¶ 5. The Confirmation Hearing Notice, as approved by the Court through the Disclosure Statement Order, provide that the Confirmation Hearing “may be continued from time to time by the debtors, in consultation with the required consenting term loan lenders and the dip agent, or the court without further notice other than by such adjournment being announced in open court or by a notice of adjournment filed with the court and served on all parties entitled to notice,” Confirmation Hearing Notice at p. 2. As mentioned above, this Motion is consensual, and no parties’ rights are being prejudices by the relief requested herein.

13. Accordingly, the Debtors request that the Court grant the relief requested by this Motion.

**Emergency Consideration**

14. The Debtors respectfully request emergency consideration of this Motion in accordance with Bankruptcy Local Rule 9013-1. This Motion solely requests procedural relief, which is ultimately for the benefit of the Debtors, their estates, and all parties in interest. Accordingly, the Debtors respectfully request that the Court approve the relief requested in this Motion on an emergency basis.

**Notice**

15. Notice of the hearing on the relief requested in the Motion has been provided by the Debtors in accordance and compliance with Bankruptcy Rules 4001 and 9014, as well as the Bankruptcy Local Rules, and is sufficient under the circumstances. The Debtors served parties in interest, whether by facsimile, electronic mail, overnight courier or hand delivery, including (a) the Office of the United States Trustee for the Southern District of Texas; (b) entities listed as holding the 30 largest unsecured claims against the Debtors (on a consolidated basis); (c) the Prepetition ABL Agent and the DIP Agent, and counsel thereto; (d) the agent under the Debtors' prepetition term loan facility and counsel thereto; (e) counsel to term lenders under the Debtors' prepetition term loan facility; (f) the indenture trustee for The Men's Wearhouse, Inc. 7.00% Senior Notes due 2022, and counsel thereto; (g) the Office of the United States Attorney for the Southern District of Texas; (h) the state attorneys general for states in which the Debtors conduct business; (i) the Internal Revenue Service; (j) the Securities and Exchange Commission; (k) the Environmental Protection Agency; (l) any party that has requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors respectfully request that the Court enter the Order granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Houston, Texas  
November 5, 2020

/s/ Matthew D. Cavanaugh

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**Certificate of Accuracy**

I certify that the foregoing statements are true and accurate to the best of my knowledge.  
This statement is being made pursuant to Local Rule 9013-1(i).

/s/ Matthew D. Cavanaugh

Matthew D. Cavanaugh

**Certificate of Service**

I certify that on November 5, 2020, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Matthew D. Cavanaugh

Matthew D. Cavanaugh